

Serial No.: 10/030,806

Amendment dated 24 December 2003

Reply to Office Action mailed 25 September 2003

REMARKS/ARGUMENTS

This application has been reconsidered carefully in light of the Office Action dated as mailed on 25 September 2003. A careful reconsideration of the application by the Examiner in light of the above Amendment and the following remarks is respectfully requested.

The additional claim fee due for this Amendment is enclosed herewith.

Amendments to the Claims

By the above Amendment, independent Claims 1 and 21 have been amended to overcome the Examiner's rejection of Claims 1-3, 8-10, 14, 18 and 21 under 35 U.S.C. § 102(b); Claims 3, 5, 6 and 8 have been canceled without prejudice; dependent Claims 2, 4, 7, 10 and 14 have been amended accordingly; and Claims 11 and 15 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claim, as suggested by the Examiner.

Claims 1, 2, 4, 7, 9-18, 21 and 22 remain in the application.

Allowable Subject Matter

As a preliminary matter, the undersigned wishes to thank Examiner Clinger for the allowance of Claim 22 and the indication that Claims 11-13 and 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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By the above Amendment, Claims 11 and 15 have been so rewritten. Claims 12 and 13 each depends from amended independent Claim 11. Thus, Claims 11-13 and 15 are believed to be in condition for allowance and notification to that effect is solicited.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-3, 8-10, 14, 18 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Canadian Patent Reference 2 206 062 (hereinafter "Jovin").

Independent Claim 1 has been amended to require the limitation of "...
the mast passing through an opening in the roof of the chamber with a foot at the lower end of the mast supported by the base of the chamber,..." Amended independent Claim 1 further requires the limitation that "*the base of the chamber acts as a structural foundation for the mast and the roof of the chamber serves as a lateral support means to restrain lateral movements of the mast at a position above the base without transfer of bending moments between the mast and the foundation structure.*" Independent Claim 21 has been similarly amended.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Jovin does not disclose each and every element or limitation of amended independent Claims 1 and 21. Jovin discloses an arrangement in which the base of a mast is bolted to an upper surface of a foundation

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block positioned next to a sunken chamber. Jovin does not disclose an arrangement in which the mast passes through an opening in the chamber roof, as required by Applicants' claimed invention. Further, because the mast as disclosed in Jovin does not pass through the chamber roof, it is impossible for the base of the Jovin chamber to act as a foundation for the mast, or the roof to serve as a lateral support means to restrain lateral movements of the mast at a position above the base without transfer of bending moments between the mast and the foundation structure, as required by Applicants' claimed invention.

Applicants believe that the above Amendment and remarks overcome the rejection of Claims 1-3, 8-10, 14, 18 and 21 under 35 U.S.C. § 102(b). Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 4-7, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jovin in view of U.S. Patent 6,557,312 (hereinafter "McGinnis").

Claims 5 and 6 have been canceled by the above Amendment. Claims 4, 7, 16 and 17 depend, directly or indirectly, from amended independent Claim 1, which Applicants believe is patentable for at least the reasons presented above. Applicants respectfully request withdrawal of this rejection.

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Conclusion

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



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Attachments